

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**SPARTA INSURANCE COMPANY,**

**Plaintiff,**

**v.**

**ALABAMA TERMITE & PEST  
CONTROL INC., et al.,**

**Defendant.**

}  
}  
}  
}  
}  
}  
}  
}  
}

**Case No.: 2:17-cv-01960-RDP**

**ORDER OF DISMISSAL**


This matter is before the court on the Joint Motion for Voluntary Dismissal without Prejudice. (Doc. # 22). On March 8, 2018, the court held a telephone conference on this matter on the record. Plaintiff Sparta Insurance Company has agreed to provide a defense for Defendant Alabama Termite & Pest Control Inc. throughout the trial of the underlying state court action, but Plaintiff Sparta Insurance Company reserves the right to reassert its claims related to its duty to defend and its duty to indemnify following the conclusion of the trial of the underlying state court action. Accordingly, the duty to defend claim asserted in this action is **MOOT**.

As previously stated in the court's February 21, 2018 Order (Doc. # 21), and as the parties all agreed on the record in the March 8, 2018 conference, the duty to indemnify claim is **NOT RIPE** for adjudication. As such, there are presently no controversies in this action for this court to adjudicate, and the Joint Motion for Voluntary Dismissal without Prejudice (Doc. # 22) is **GRANTED**.

In accordance with the Joint Motion for Voluntary Dismissal without Prejudice (Doc. # 22), the court hereby **ORDERS** that this action shall be, and is, **DISMISSED WITHOUT PREJUDICE**.

Costs are taxed against Plaintiff.

**DONE** and **ORDERED** this March 9, 2018.

  
\_\_\_\_\_  
**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE